

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 21-cv-02016-RM-NYW

CHRISTIAN E. SPARKS,

Plaintiff,

v.

UNIVERSITY OF COLORADO, DENVER CAMPUS, OFFICE OF EQUITY, ANSCHUTZ
CAMPUS, through its Board, the Board of Regents of the University of Colorado,

Defendant.

ORDER

Before the Court is the Recommendation of United States Magistrate Judge Nina Y. Wang (ECF No. 20) to grant in part and deny in part Defendant's Motion to Dismiss (ECF No. 14). For the reasons below, the Court accepts the Recommendation, which is incorporated into this Order by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Plaintiff filed this lawsuit after he applied for a position as a civil rights investigator with the Office of Equity that was offered to, and accepted by, another applicant. Because Plaintiff proceeds pro se, the Court liberally construes his pleadings. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

In his Complaint, Plaintiff, asserts claims for age and sex discrimination. Defendant's Motion to Dismiss was referred to the magistrate judge for a recommendation. As explained in the Recommendation, Defendant's age discrimination claim is barred by the Eleventh Amendment. The magistrate judge further determined that Plaintiff's allegations were sufficient

to state a “reverse discrimination” claim, notwithstanding his failure to allege the demographic statistics of the applicant pool.

The Recommendation advised the parties that specific written objections were due within fourteen days after being served a copy of the Recommendation. That deadline passed without a response from either party.

“In the absence of a timely objection, the district court may review a magistrate judge’s report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.3d 1165, 1167 (10th Cir. 1991).

The Court discerns no error on the face of the record and agrees with the magistrate judge’s analysis of the issues presented in Defendant’s Motion. *See Gallegos v. Smith*, 401 F. Supp. 3d 1352, 1356-57 (D.N.M. 2019) (applying deferential review of the magistrate judge’s work in the absence of any objection).

Accordingly, the Court ACCEPTS the Recommendation (ECF No. 20) and GRANTS IN PART and DENIES IN PART the Motion to Dismiss (ECF No. 14).

DATED this 5th day of May, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", is written over a horizontal line.

RAYMOND P. MOORE
United States District Judge